



## SHERIDAN COUNTY CONSERVATION DISTRICT

1949 SUGARLAND DRIVE, SUITE 102, SHERIDAN, WYOMING 82801  
(307) 672-5820 ext. 3 [www.sccdwy.org](http://www.sccdwy.org)

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*Protecting Sheridan County's Water and Land Quality through Assistance Programs, Information and Outreach, Monitoring, and Planning*

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October 23, 2020

R08-21-M-001

The Sheridan County Conservation District is pleased to submit this FY21 Multipurpose Grant Application for your consideration. The District is requesting \$800,000 to complete assessment, revitalization planning, and cleanup at the former Acme Power Plant and surrounding area. The District acknowledges the \$40,000 cost-share and is committed to providing the cost-share for eligible services to complete this project. Over 90% of the funds are allocated to site specific tasks, including assessment and remediation with another \$60,000 for reuse planning and community engagement activities.

The former Acme Power Plant and surrounding area is representative of the type of abandoned energy-related sites that dot the Wyoming landscape. Brownfields remediation and subsequent revitalization projects in the target area, and throughout the state, will positively impact all of Wyoming, resulting in sustainable and more diverse places that are better able to weather the energy-related storms of persistent boom-and-bust cycles typical of the market-dependent energy extraction industries.

### **IV.D.1 Applicant Identification**

Sheridan County Conservation District  
1949 Sugarland Drive, Suite 102  
Sheridan, WY 82801

### **IV.D.2 Funding Requested**

#### ***IV.D.2.a Grant Type***

The Sheridan County Conservation District is applying for a multipurpose grant.

#### ***IV.D.2.b Requested Amount***

The amount of funding requested is \$800,000.

### **IV.D.3 Location**

- a) City of Sheridan
- b) Sheridan County
- c) Wyoming

### **IV.D.4 Contacts**

#### ***IV.D.4.a Project Director***

Carrie Rogaczewski, District Manager  
Sheridan County Conservation District  
1949 Sugarland Drive, Suite 102  
Sheridan, WY 82801  
[carrie.rogaczewski@sccdwy.org](mailto:carrie.rogaczewski@sccdwy.org)  
(307) 672-5820 x. 3

#### ***IV.D.4.b Chief Executive/Highest Ranking Elected Official***

Susan Holmes, Chair  
Sheridan County Conservation District Board of Supervisors  
1949 Sugarland Drive, Suite 102  
Sheridan, WY 82801  
[susan.holmes.1956@gmail.com](mailto:susan.holmes.1956@gmail.com)  
(307) 672-2976

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Susan Holmes  
Chair

Edith Heyward  
Vice-Chair

Orrin Connell  
Secretary/Treasurer

Emerson Scott, III  
Supervisor

Doug Masters  
Supervisor

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*The Sheridan County Conservation District is an Equal Opportunity Employer/Provider*

#### IV.D.5 Population

The population of the State of Wyoming is **578,759** (<https://data.census.gov/>)

The population of Sheridan County is **30,012** (<https://data.census.gov/>)

The target area population is **22,504**, including Western Sheridan County/Upper Tongue River Valley Census Tracts 1,2,3,4 & 6 (<https://data.census.gov/>)

#### IV.D.6 Other Factors Checklist

Other Factors	Page #
Community population is 10,000 or less.	
The applicant is, or will assist, a federally recognized Indian tribe or United States territory.	
The priority brownfield site(s) is impacted by mine-scarred land.	Page 1
The priority site(s) is adjacent to a body of water (i.e., the border of the priority site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	Page 1
The priority site(s) is in a federally designated flood plain.	Page 1
The reuse of the priority site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or will incorporate energy efficiency measures.	Page 4
At least 20% of the overall project budget will be spent on eligible site reuse or are-wide planning activities for priority brownfield site(s) within the target area.	

#### IV.D.7 Letter from the State or Tribal Environmental Authority

Please see attached letter on following page from the Wyoming Department of Environmental Quality Voluntary Remediation Program and Brownfields Assistance Program.



# Department of Environmental Quality

*To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations.*



Mark Gordon, Governor

Todd Parfitt, Director

October 16, 2020

Ms. Carrie Rogaczewski  
District Manager  
Sheridan County Conservation District  
1949 Sugarland Drive #102  
Sheridan, WY 82821

RE: Letter of Support for USEPA FY21 Brownfields Multipurpose Grant Application for the Former Acme Power Plant (site), near Sheridan, WY

Dear Ms. Rogaczewski:

The Wyoming Department of Environmental Quality Voluntary Remediation and Brownfields Assistance Programs (WDEQ/VRP/BAP) wish to express our full support for the Sheridan County Conservation District's application for a USEPA FY21 Brownfields Multipurpose Grant. Brownfields assessment and remediation is critical to protecting and restoring the environment, protecting human health, and revitalizing communities.

The Former Acme Power Plant site holds not only great potential for the future of recreation and conservation in western Sheridan County, but also for preserving and honoring the history of the area. The FY21 Multipurpose grant will enable further site assessment, planning, community engagement, and cleanup, continuing to build upon the successes and progress already accomplished at the site.

The VRP/BAP looks forward to continuing to work with the Sheridan County Conservation District, to address the issues at the site in accordance with the VRP's protocols and procedures. Please don't hesitate to call me at (307)777-2948, or email me at [cindi.martinez@wyo.gov](mailto:cindi.martinez@wyo.gov) if you'd like to discuss this letter of support.

Sincerely,

Cindi Martinez  
Brownfields and Orphan Sites Remediation Program Supervisor  
Wyoming Department of Environmental Quality

Cc: VRP File # 58.220

200 West 17th Street • 2<sup>nd</sup> Floor • Cheyenne, WY 82002 • <http://http://deq.wyoming.gov/>

ADMIN/OUTREACH	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZ. WASTE	WATER QUALITY
(307) 777-7758	(307) 777-6145	(307) 777-7391	(307) 777-7369	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-3610	FAX 777-6462	FAX 777-5616	FAX 777-6937	FAX 777-5864	FAX 777-5973	FAX 777-5973



## NARRATIVE/RANKING CRITERIA

### **IV.E.1. Project Area Description and Plans for Revitalization** (45 Total Points)

#### **IV.E.1.a. Target Area and Brownfields (15 points)**

***IV.E.1.a.i. Background and Description of Target Area (5 points):*** As the least populous state in the Union with 578,759 residents, (<https://data.census.gov/cedsci>), a population density of only 6 people per square mile and a single four-year university, most Wyomingites consider the entire state as one community. Sparse populations, open spaces, and the boom and bust cycles related to energy extraction employment are an important economic and cultural part of Wyoming's history. The upper Tongue River valley in western Sheridan County includes sites representative of the types of abandoned, energy-related sites that dot the Wyoming landscape. Decades of energy boom-and-bust cycles have left behind a legacy of mine-scarred lands and associated environmental contamination and economic hardship. The result is often an acceptance of abandoned facilities and blighted properties; there is plenty of undeveloped open space to build upon during the next boom cycle. Reuse and revitalization of these properties would begin to redirect the way Wyomingites, including Sheridan County residents, think about redevelopment and enable more robust preservation of our dearly-held open spaces.

The target area consists of the Upper Tongue River valley in western Sheridan County, including the City of Sheridan, the towns of Dayton and Ranchester, and rural populations who live, work, and recreate in these communities. The Tongue River is the water resource that drives the municipal, agricultural, recreational, and wildlife opportunities for the region. Native Americans valued the Upper Tongue River Valley for its abundant wildlife and resources. Public-access areas, including state lands and walk-in areas on private lands, are used for hunting, fishing, and other non-motorized day-use recreation. For example, the Kleenburn Recreation Area, situated within the target area, serves as a favorite regional destination with access to hiking trails along the Tongue River and ponds for fishing and canoeing. In addition, the popular Tongue River Water Trail offers 92 miles of floating opportunities and, unfortunately, passes within yards of the former Acme Power Plant (Acme site), the priority brownfield site for this project.

"The Power of Acme's Past", a report recently completed by the University of Wyoming Haub School of Environment and Natural Resources, describes the significance of the historic mining communities that drew a diversity of people, including Polish, Japanese, Italian, and others to the Tongue River Valley. Remnants of these vibrant coal mining communities, including the old Acme townsite, still exist and are documented on the Black Diamond Interpretive Trail. The Acme site was an important component of this cultural and industrial history; however, the current condition impacts water and land quality, recreational activities, and the health and safety of residents and tourists that come to enjoy the beauty and history of this landscape.

***IV.E.1.a.ii. Description of the Priority Brownfield Site(s) (10 Points):*** The Acme site houses an abandoned coal-fired power plant that operated from approximately 1910 to 1976 and other buildings. Later, the site was used for automobile salvage and crushing, battery recycling, and other activities. In addition, a large coal-ash pile (approximately 3 acres in size) is directly across and adjacent to the Tongue River. The Acme site is just upstream of the confluence of Goose Creek and Tongue River and within a designated Special Flood Hazard Area (<https://msc.fema.gov/portal/search>) and the Sheridan County Groundwater Protection Area (<https://maps.greenwoodmap.com/sheridan/map>). Project partners have demonstrated a commitment to addressing this high priority site and this grant would fit into the natural progression of activities completed to date.

- Phase I and Phase II assessments, through the EPA Targeted Brownfields Assessment Program, confirmed land impacted by petroleum hydrocarbons, asbestos, lead-based paint and other substances in soils, groundwater, sediments and building materials.
- Through participation in the Wyoming Voluntary Remediation Program (Wyoming Voluntary Program), over 50 55-gallon drums and their contents, 60 cubic yards of bulk and loose asbestos containing materials, and three truckloads of miscellaneous containers were removed from the site. Massive quantities of regulated and non-regulated asbestos, dispersed asbestos in the soils, wide-spread lead-based paint, and mercury switches are among the known contaminants that remain.
- An EPA Assessment Grant, administered by the Wyoming Voluntary Program, is underway to provide a detailed characterization of the soils and groundwater contamination with cleanup alternatives and cost estimates.
- Contractors for the Wyoming Voluntary Program performed a structural assessment of the buildings and are investigating potential hydrologic connections between the river, sumps, and groundwater.

Consistent with the EPA Assessment Grant, partners separated the Acme site into two distinct units.

**1) Unit 1-The Acme Power Plant** includes the soils and groundwater, which are being investigated under the current EPA Assessment Grant, and the buildings. The Sheridan County Conservation District (District), as the applicant, owns the entirety of the Acme Power Plant Unit and is not responsible for any of the contamination.

- *Soils and Groundwater:* Metals, PCBs, asbestos, and other substances are primary contaminants of concern in surface and subsurface soils. Specific contaminants of concern for groundwater include metals, pesticides and other substances. In addition, metals, petroleum hydrocarbons, pesticides and other substances were identified in surface water and river sediments. The Remedial Alternatives Evaluation Report and Ecological Risk Assessment are being completed.
- *Buildings:* The Phase II identified asbestos, PCBs, lead-based paint, and other substances in buildings, which were not included in the current EPA Assessment Grant. A structural integrity survey has been completed. While some of windows and doors have been covered, more robust stabilization and/or abatement may be necessary to prevent continued transport of pollutants, including large quantities of asbestos fiber, from the main structure into the surrounding area.

**2) Unit 2-The Acme Coal Ash Pile** lies across the river from the plant and was included, to some degree, in the Phase I and Phase II assessments. The Phase II Assessment indicated that some analytes exceeded Wyoming migration to groundwater standards and there was some evidence that the coal-ash pile may be a source of nickel contamination in the river sediments. Part of the coal-ash pile is located on land not owned by the District, but access has been granted for additional assessment activities. Additional assessment is critical to fully understand the impacts and potential alternatives for addressing the pile and will provide valuable information to pave the way for cleanup action on the unit, including possible ownership transfer. The existing owner of the coal-ash pile is one of the project partners, is not responsible for the contamination, and is committed to the effort.

#### **IV.E.1.b. Revitalization of the Target Area (15 points)**

**IV.E.1.b.i. Overall Plan for Revitalization (10 points):** Although there is an active community effort to address safety, health, and environmental concerns at the Acme site, an overall plan for revitalization currently does not exist. Early in the process, project partners identified three themes to be maintained for future uses: 1) protect water and land quality, 2) ensure public access and use, and 3) capture the site's historical importance. These three reuse themes will continue to form the basis for defining future revitalization goals. Participants at an initial community visioning session (in 2017) and subsequent

public update meetings indicate that residents heavily favor uses that support outdoor recreation and an appreciation of the area's history, which correspond with reuse themes 2 and 3. Local residents have specifically expressed interest in river recreation access for canoers and anglers as well as expanded hiking trails. Other interesting proposals are community, botanical and/or vertical gardens or agricultural uses, a miner's museum and interpretive center, and a Native American Cultural and Research Center. If the main building can be retained, it could serve as a demonstration site for incorporating solar power, and potentially hydroelectric power, since the property has a non-consumptive water right on the adjacent Tongue River, and large areas where turbines could be added.

The Multipurpose Grant will provide the resources to develop an overall revitalization plan for the Acme site, specifically including a feasible reuse strategy of the existing structures, where appropriate. Reuse planning funded by this grant will identify specific infrastructure needs, including viable renewable energy options, for each proposed alternative. Consistent with the District's mission of protecting water and land quality, this plan will incorporate, align with, and support existing local land use plans.

- The *Tongue River Initiative* is a long-standing collaboration among the District, Sheridan Community Land Trust, and the Nature Conservancy to address conservation needs in the Tongue River Valley. This partnership comprised the exploratory committee formed in 2015 and was later expanded into the current Acme Working Group.
- The *Sheridan County Comprehensive Plan*, adopted in 2008 and updated in 2020, identifies agriculture, wildlife and natural resources, access to public lands for outdoor recreation, open lands and viewsheds, and historic sites, among the key issues of importance to Sheridan County residents. The 2020 Update identifies the area around Acme as a "Special Planning Area" and the project is specifically referenced under Historic Sites, as is the County's role on the Acme Working Group.
- The *City of Sheridan's Land Use Master Plan* prioritizes open space through bike and walking paths, corridors along Goose Creek and the Tongue River for recreation and revitalization, and development that preserves community character, natural space, and scenic vistas.

**IV.E.1.b.ii. Outcomes and Benefits of Overall Plan for Revitalization (5 points):** The Acme site's proximity to other recreational properties and open spaces make it an ideal candidate for expansion of those uses. Several stops on the Black Diamond Interpretive Trail, including the Acme site, describe the culture of the mining communities that dotted the landscape. Indeed, some of the boardwalks for the old Acme townsite (on the adjacent property) are still visible among the cottonwood canopy along the Tongue River and Goose Creek. Many people in the Sheridan area have a friend or family member that was a part of one of these communities and they still maintain a deep affection for these sites. Native Americans valued the area for its abundant wildlife and water and land resources. Project partners are committed to maintaining a connection between the future use of the site and its history and will reuse existing structures as appropriate for the revitalization plan.

The priority site is located approximately 40 miles from Opportunity Zones on the Crow and Cheyenne Reservations in Montana and 100 miles from the nearest designated Opportunity Zones in Wyoming. As more brownfield sites, such as Acme, within the state are successfully reclaimed, other groups and communities will be more likely to see them as opportunities not liabilities. In fact, the District's initial interest in the Acme site came from a presentation about a similar project in Laramie (nearly 300 miles away). Inspired by the success at other sites, the District initiated the effort and will continue to promote participation in these types of projects, which would certainly spur economic growth in Opportunity Zones and other areas throughout the state. Tourists and local residents attracted to the revitalized Acme site for its recreation opportunities and historical associations will encourage travel to nearby

communities for similar experiences contributing to a regional destination of outdoor recreation and strong connection to history and the natural environment.

#### **IV.E.1.c. Strategy for Leveraging Resources (15 points)**

**IV.E.1.c.i. Resources Needed for Site Reuse (10 points):** As a local unit of government, the District is eligible for monetary funding from other resources including state and federal grants and private donations. Partnerships with County and other municipal governments further expand the ability to leverage opportunities for revitalization of the Acme site and surrounding area.

Since 2015, project partners, including the District, have invested over \$750,000, including time and legal fees associated with property acquisition and completion of Phase I and Phase II assessments, community engagement activities, initial site stabilization, security and access to address safety concerns, and soil and groundwater characterization.

<b>State and Federal Grants/Support</b>	<b>Local Government</b>	<b>Partner contributions</b>	<b>Private Grants and Donations</b>	<b>In-Kind Services</b>
\$610,000	\$28,000	\$58,000	\$36,000	\$19,000

Included within the state and federal sources is \$325,000 from the Wyoming Voluntary Program for site specific activities and funds through EPA Assessment grants. Other support that has not been specifically tracked, includes:

- Wyoming Voluntary Program administration of the EPA assessment grant for soils and groundwater,
- Yale School of Forestry for initial website development,
- University of Wyoming Haub School for compilation of historical narratives, and
- Kansas State University Technical Assistance to Brownfields for facilitation of the initial community visioning session and other guidance.

The widespread public interest and support offers potential for creative fundraising, especially for those activities that are ineligible for brownfields programs, including salvage operations of debris, tires, and metal around the site. Ideas that have been presented include: "Adopt-a-tire" campaigns, a fun-run/walk that includes historical interpretation of the Acme townsite, and established events through local businesses, such as "Dining for a Cause" and "Pint Nights". Receipt of a Multipurpose Grant would stimulate the availability of additional funding by reigniting the initial excitement and momentum. In addition, specific eligible leverage sources are available to support this project.

- Through annual appropriations from State, County, and Municipal Sources, the District has \$42,000 per year (\$210,000 total) available for leverage above and beyond the required cost-share.
- The high-level of commitment from the Wyoming Voluntary Program demonstrates the potential for additional funding through the State's Orphan Site and/or Abandoned Mine Lands programs.
- The Wyoming Brownfields Revolving Loan Fund (awarded in 2018) highlighted the Acme site and intends to sub-grant a portion of that grant to address some aspects of the cleanup at the site.

**IV.E.1.c.ii. Use of Existing Infrastructure (5 points):** A recently acquired dedicated road easement will ensure permanent access to the Acme site for public use. Irrigation water rights with very early priority dates are available to support reuse opportunities. Along with existing power grids, the Acme site affords additional opportunities for using sustainable wind, hydro, or solar power. Specifically, the size and orientation of the main building lends itself to installation of solar panels and industrial and non-consumptive water rights may be able to be incorporated to generate hydropower for the property.



Broadband access will be necessary and cooperative partnerships with local providers may be possible. Depending on the outcomes of the reuse plan, potable water and sewer system upgrades may be needed; state and county resources, such as the State of Wyoming Revolving Loan Fund (SRF) for water improvements will be a viable option. For building structures unable to be retained as part of the revitalization plan, bricks and/or other building materials will be retained and incorporated into some beneficial reuse. The on-going structural survey of the building will aid in that determination.

#### **IV.E.2. Community Need and Community Engagement (35 Total Points)**

##### **IV.E.2.a. Community Need (20 points)**

***IV.E.2.a.i. The Community's Need for Funding (5 points):*** Small communities like Sheridan County have limited funds for high cleanup costs, after other priorities, such as infrastructure and social services (for seniors and other populations), have been met. As elsewhere, Wyoming is suffering economic impacts from COVID 19, especially in the leisure and hospitality sector. More serious, from a long-term perspective, are the significant declines in the energy industries. In the second quarter of 2020, the Wyoming mining industry (including oil and gas extraction) lost about one-fifth of its employees and revenue from mineral severance taxes was the smallest it has been since 2002 ([http://eadiv.state.wy.us/wef/Economic\\_Summary2Q20.pdf](http://eadiv.state.wy.us/wef/Economic_Summary2Q20.pdf)). Sales and use tax collections from the mining and lodging sectors reported 66.5% and 46.2% year-over-year declines in June ([http://eadiv.state.wy.us/economic\\_indicator/WY\\_Economic\\_Indicators.pdf](http://eadiv.state.wy.us/economic_indicator/WY_Economic_Indicators.pdf)).

Declining sales tax revenues across the state impact local communities, which, in turn, directly impacts the current funding picture for the District, one of the few Conservation Districts in Wyoming that does not receive income from local property tax assessments. In fact, it receives less than \$50,000 per year in local operational funding sources, which largely come from sales tax revenues provided to local municipalities and then appropriated to the District and other organizations. For fiscal year 2021, funding amounts from Sheridan County and the City of Sheridan for multiple organizations and social service programs, including those for the District, were reduced by as much as 25%.

##### ***IV.E.2.a.ii. Threats to Sensitive Populations (15 points):***

***1) Health or Welfare of Sensitive Populations:*** Wyoming's seniors, children, and women are among the most vulnerable and often most at risk for health impacts. As part of the statewide community, the target area is similar. Target area populations over age 64 are above 80% of the national profile in some tracts, and low income indices (less than 2 times that poverty level) were as much as 80-90% of the national profiles (<https://ejscreen.epa.gov/mapper/index.html?wherestr=82801>). Wyoming consistently has mediocre-to-poor rankings for senior health care core measures, a result of diminished communities and poor hospital staffing rates. Overall health care ranking for seniors in Wyoming stands at 33<sup>rd</sup> in the nation and dead last for policies and clinical care. Wyoming also ranks 49<sup>th</sup> for seniors with a dedicated healthcare provider, ([https://assets.americashealthrankings.org/app/uploads/ahr2019\\_seniorreport.pdf](https://assets.americashealthrankings.org/app/uploads/ahr2019_seniorreport.pdf)). Children and infants fare equally poorly in Wyoming, which consistently ranks near the bottom for childhood immunization, 6<sup>th</sup> for the percentage of low birth weight infants, and 11<sup>th</sup> for teen birth rates.

***2) Greater than Normal Incidence of Disease and Adverse Health Conditions:*** Staggering public health statistics include the 3<sup>rd</sup> highest suicide rate in the nation; 6<sup>th</sup> highest accident rate in the nation (likely related to the long distances and drive times that Wyoming and Sheridan County residents must make even for basic services); and 3<sup>rd</sup> highest in the nation for chronic liver disease and cirrhosis of the liver (<https://www.cdc.gov/nchs/pressroom/states/wyoming/wyoming.htm>). At approximately 12 people per million each year, Wyoming's mesothelioma mortality rate is higher than the national average (<https://www.mesothelioma.com/states/wyoming/>) due, in part, to exposure risks from asbestos used in



power generation industries, like Acme. The highest among Wyoming cancer death rates, lung cancer death rates average 32.2 (per 100,000), (<https://cancerstatisticscenter.cancer.org/#!/state/Wyoming>). Mesothelioma and other lung cancers can result from exposure to asbestos, but it may take years after exposure before disease symptoms develop (<https://www.epa.gov/asbestos>). The abundance of asbestos containing material at the Acme site and long-term exposure impacts suggests the most “at-risk” population are the youth who illegally enter this fascinatingly dangerous property. Removing the asbestos will not only remove high exposure risk but will also create a destination that encourages outdoor recreation and promotes improved mental well-being.

*3) Disproportionately Impacted Populations:* Wyoming and the target area communities have cumulative environmental impacts largely related to the energy industry, past and present. The pervasive impact is one of abandoned properties, vacant lots, old gas stations, old mine sites, power plants and refineries, and orphaned natural gas wells. Abandonment of old facilities and older residences result in lead paint indicators of the target area (based on percent of pre-1960 housing) as high as 90% of national profiles (<https://ejscreen.epa.gov/mapper/index.html?wherestr=82801>). There is also an environmental injustice where people with money can afford to move away from contaminated property, populating ranchettes that litter what once were agricultural areas. Those without the means to move away continue to live in and around dilapidated, contaminated properties. Cleanup and revitalization of the Acme site will directly eliminate impacts from one such site within the target area.

#### **IV.E.2.b. Community Engagement (15 points)**

*IV.E.2.b.i. and ii Project Involvement and Roles (10 points):* Formed in 2017, the Acme Working Group serves in an advisory capacity to the District and provides specific input and assistance on the technical aspects of the assessment and cleanup. A mix of government agencies, non-profit and non-government organizations, and for-profit business and utilities, offers diverse perspectives from multiple community interests, including conservation, recreation, wildlife management, tourism, history, and agriculture/industry. As the project transitions into more focused reuse discussions, the group will be expanded to include other interests.

**List of Organization/Entities/Groups and Roles**

<b>Name of organization / entity/group</b>	<b>Point of Contact (name, email and phone)</b>	<b>Specific involvement in the Project or assistance provided</b>
Padlock Ranch	Trey Patterson treyp@padlockranch.com (307) 655-2264	Acme Working Group; adjacent landowner, specific input on access and potential impacts to agricultural operation
Sheridan Community Land Trust	Brad Bauer director@sheridancldt.org (307)673-4702	Acme Working Group; compilation of historical narratives for reuse discussions
The Nature Conservancy	Carli Kierstead carli.kierstead@tnc.org (307) 673-0992	Acme Working Group; interface with Monarch Miner's Picnic and tribal relations
Sheridan County	Terry Cram tcram@sheridancounty.com (307) 674-2902	Acme Working Group; interface with Kleenburn Recreation Area users and Sheridan County Comprehensive Plan
Sheridan Travel and Tourism	Shawn Parker sparker@sheridanwy.net (307) 673-7120	Acme Working Group; reuse discussion connections in tourism; marketing

Wyoming Game and Fish	Seth Roseberry seth.roseberry@wyo.gov (307) 672-8003 x. 240	Acme Working Group; interface with public access areas and state lands in reuse options; provide specific input on habitat and fishery impacts from proposed alternatives; outreach
Museum of the Bighorns	Mikayla Larrow mikayla.larrow@sheridanmuseum.org (307) 675-1150	Acme Working Group; historical narratives and relationships; access to grant sources
Montana Dakota Utilities	Jim Sorenson jim.sorenson@mdu.com (307) 751-4607	Acme Working Group; technical insight of site components and availability of infrastructure; access to grant sources
Wyoming Department of Environmental Quality Voluntary Remediation Program	Cindi Martinez cindi.martinez@wyo.gov (307) 777-2948	Clean-up oversight and technical support; funding for site stabilization and other activities; assistance with overall plan development and outreach
Kansas State University Technical Assistance to Brownfields	Maggie Egberts maggiejessie@ksu.edu (785) 532-0782	Facilitation assistance for focused reuse discussions; additional technical assistance, input, and support

**IV.E.2.b.iii Incorporating Community Input (5 points):** Community involvement has been and will continue to be an integral part of the project. Through enrollment in the Wyoming Voluntary Program, a formal Public Participation Plan was developed to document the existing and on-going activities to communicate project progress and facilitate local involvement. Interest from local media has ensured consistent coverage of project milestones and activities. An initial community visioning session, facilitated by the Kansas State University Technical Assistance to Brownfields Group in August 2017, had active participation from 56 community members and 6 local and state stakeholders, including government officials, former employees (or descendants) of the power plant, former residents (or descendants) of the Acme townsite, historians, engineers, and conservation groups. A project website provides information on the area's history, project vision, and updates with interactive links for people to share their stories and ideas for site reuse. After a comment or story is submitted through the website, the District Manager receives a notification and can continue the conversation through email.

As with other rural areas of Wyoming, the most effective means of communication are face-to-face interactions, either through project-specific meetings or through informal discussions at community events or annual picnics hosted by the past residents and/or descendants of the mining communities that existed in the area. The most effective strategy to ensure attendance at project-specific events is to utilize a combination of direct mail, local newspaper and radio stations, and social media outlets.

During the COVID 19 Pandemic, the "virtual" meeting or training became a more prominent part of the workplace and for some social interactions among friends and families. As such, virtual options will be incorporated into future community engagement activities. However, strictly virtual platforms will not be the most effective nor appropriate method for communication, especially for the aging target population and rural communities. Only 86% households have computers and only 80% with broadband internet within the target area as compared with 93% and 88% nationally (Table DP02 from 2018: American Community Survey 5-year Estimates Data Profiles on <https://data.census.gov/cedsci>). Project partners will also solicit input through mailed surveys, phone communications, and/or information and feedback forms at public places, such as the Sheridan YMCA, the Hub on Smith Street (formerly the Senior Center), and the Sheridan Fulmer Public Library, all of which are frequented by local residents. Community input gathered through the various mechanisms will form the basis of reuse ideas.

### **IV.E.3. Task Descriptions, Cost Estimates, and Measuring Progress (55 Total Points)**

#### **IV.E.3.a. Description of Tasks/Activities and Outputs (25 points)**

The following task tables document the EPA-funded activities and associated outputs necessary to implement the proposed project. All activities will support EPA's FY2018-2022 Strategic Plan, specifically Goal 1 (A Cleaner, Healthier, Environment) Objective 3 (Revitalize Land and Prevent Contamination) by completing a minimum of one assessment, one clean-up, and one revitalization plan with community engagement. As with any large, complex site, many pieces need to be integrated to ensure the most efficient use of time and resources. For this reason, the specific project tasks incorporate some flexibility to allow assessment and/or cleanup contractors to propose appropriate risk assessment and sequencing so cleanup and/or salvage activities can be completed effectively. Over 90% of the Multipurpose Grant funds, and required cost-share, are allocated to site-specific tasks, including assessment and remediation activities.

<b>Task 1: Grant Management/Coordination</b>
<i>i. Project Implementation:</i> <ul style="list-style-type: none"> <li>Preparation of Work Plan and Execution of Cooperative Agreement</li> <li>Solicitation and selection of qualified environmental professionals, including Requests for Proposals with input from Wyoming Voluntary Program</li> <li>Reimbursement Requests for Project Expenses</li> <li>Submission of required programmatic financial and progress reports to EPA and associated tracking</li> <li>Includes 360 hours In-Kind for management, reporting, and Request for Proposals coordination</li> </ul>
<i>ii. Anticipated Project Schedule: Life of project-all years (2021-2026)</i> <ul style="list-style-type: none"> <li>Development of Work Plan and Cooperative Agreement to be completed soon after award notification</li> <li>Selection of qualified environmental professionals will coincide with the appropriate tasks</li> <li>Reporting frequency and details will be described in the Work Plan</li> </ul>
<i>iii. Task/Activity Lead:</i> <ul style="list-style-type: none"> <li>District Manager with assistance from other District Board and staff and partners</li> </ul>
<i>iv. Outputs:</i> <ul style="list-style-type: none"> <li>Work Plan and Cooperative Agreement</li> <li>Programmatic Financial and Progress Reports as determined by Work Plan</li> <li>Property Profile forms documenting site-specific accomplishments through the ACRES reporting system</li> <li>Final Report</li> </ul>
<b>Task 2: Assessment of coal-ash pile and/or buildings and structures</b>
<i>i. Project Implementation:</i> <ul style="list-style-type: none"> <li>Development of Sampling Analysis Plans, Quality Assurance Plans, and other required documentation</li> <li>Field sampling and analysis for the coal-ash pile and/or buildings and structures</li> <li>Development of Analysis of Brownfield Cleanup Alternatives (ABCA) with cost estimates and other associated reports and documentation needed to move forward with cleanup</li> <li>Includes 120 hours In-Kind for review of plans, reports, and other documentation</li> </ul>
<i>ii. Anticipated Project Schedule: Year 1 (2022)</i> <ul style="list-style-type: none"> <li>Development of required planning documents, including EPA-approved QAPP, will commence upon selection of the Qualified Environmental Professionals</li> <li>Sampling and assessment activities will commence upon approval of planning documents</li> <li>Reporting and other documents to proceed following sample analyses</li> </ul>
<i>iii. Task/Activity Lead:</i> <ul style="list-style-type: none"> <li>Qualified Environmental Professional with oversight from District and Wyoming Voluntary Program</li> </ul>
<i>iv. Outputs:</i> <ul style="list-style-type: none"> <li>A minimum of 1 assessment with associated clean-up/mitigation plan, Analysis of Brownfields Cleanup Alternative (ABCA), and cost estimates for coal-ash pile and/or buildings and structures</li> </ul>

<b>Task 3: Community Engagement and Revitalization Planning</b>	
<i>i. Project Implementation:</i>	<ul style="list-style-type: none"> <li>• Update the community on assessment results and progress through website/social media, newsletters, and in-person meetings (when appropriate)</li> <li>• Continued involvement from Acme Working Group and expansion as needed</li> <li>• Facilitate focused community discussions and other avenues to solicit community input and feedback on potential reuse options for the site and structures</li> <li>• Complete a market analysis and/or similar study for feasibility of potential reuse of the building/materials</li> <li>• Develop an overall Acme revitalization plan, incorporating current project vision and themes, the cleanup alternatives and information from the site assessment, mitigation options for the coal-ash pile and specific reuse alternatives for the building and/or materials</li> <li>• Includes 180 hours In-Kind to prepare updates, coordinate meetings, and other engagement activities</li> </ul>
<i>ii. Anticipated Project Schedule: Community Engagement-all years; Revitalization Plan Years 2-3 (2023-2024)</i>	<ul style="list-style-type: none"> <li>• Community updates provided at least annually through in-person and/or virtual meetings</li> <li>• Progress updates provided as milestones are completed through project website, newsletters, and other</li> <li>• Focused community discussions on site reuse alternatives to commence after assessments are completed with frequency and/or preferred format to be determined by the community participants</li> <li>• Final development of the plan subject to focused discussions</li> </ul>
<i>iii. Task/Activity Lead:</i>	<ul style="list-style-type: none"> <li>• District Manager, with assistance from Acme Working Group and KSU Technical Assistance to Brownfields and Wyoming Voluntary Program</li> </ul>
<i>iv. Outputs:</i>	<ul style="list-style-type: none"> <li>• A minimum of 4 annual community updates virtual and/or in-person meetings</li> <li>• An estimated 8 quarterly focused community discussions on site reuse alternatives</li> <li>• Progress updates on website/social media and other locations as milestones are completed</li> <li>• Building Market Analysis/Economic Feasibility Study</li> <li>• Overall Revitalization Plan for the Acme Power Plant site including reuse options for the building</li> </ul>
<b>Task 4: Cleanup</b>	
<i>i. Project Implementation:</i>	<ul style="list-style-type: none"> <li>• Solicitation and selection of Qualified Environmental Professional to perform cleanup and/or mitigation activities with input and oversight from Wyoming Voluntary Program</li> <li>• Development of any necessary workplans and risk assessments to appropriately sequence cleanup activities (including separate salvage activities) to ensure the most efficient use of time and resources</li> <li>• Completion of approved cleanup/mitigation activities</li> <li>• Includes 120 hours In-Kind for review of plans, reports, and other documentation</li> </ul>
<i>ii. Anticipated Project Schedule: Year 4-5 (2025-2026)</i>	<ul style="list-style-type: none"> <li>• Development of planning documents will commence upon selection of Qualified Environmental Professionals</li> <li>• Final cleanup/mitigation activities will be completed upon approval of workplans, sequencing options</li> </ul>
<i>iii. Task/Activity Lead:</i>	<ul style="list-style-type: none"> <li>• Qualified Environmental Professional with oversight from Wyoming Voluntary Program</li> </ul>
<i>iv. Outputs:</i>	<ul style="list-style-type: none"> <li>• A minimum of 1 cleanup to include the soils and groundwater and/or asbestos abatement in buildings</li> <li>• Certificate(s) of completion from Wyoming Voluntary Program</li> </ul>

#### IV.E.3.b. Cost Estimates (25 points)

Communications with existing assessment contractors estimate \$650,000 for asbestos abatement in the building and another \$650,000 to address soil and groundwater contamination at the Acme site. Costs for assessment contractors, estimated at \$100,000, are based on the previous Phase I and Phase II



assessments. Consultant/professional service fees for market analyses and other economic feasibility studies for building reuse strategy and overall revitalization planning are estimated at \$50,000. Supplies includes the cost of outside printing of outreach or meeting materials (maps, photos, posters) to ensure participation and facilitate community discussions. Personnel costs were derived from the current \$50/hour rate for the District Manager for 780 hours In-Kind time for grant management, assessment and cleanup documents review and coordination, and community engagement activities, as documented in the task tables. All supplies and personnel costs will be provided through the required cost-share.

Budget Categories		Grant Management	Assessment	Community Engagement / Revitalization Planning	Cleanup	Total
Direct Costs	Personnel	\$18,000	\$6,000	\$9,000	\$6000	\$39,000
	Supplies			\$1000		\$1000
	Contractual		\$100,000	\$50000	\$650,000	\$800,000
<b>Total Direct Costs</b>		<b>\$18,000</b>	<b>\$106,000</b>	<b>\$60,000</b>	<b>\$656,000</b>	<b>\$840,000</b>
Indirect Costs						-0-
<b>Total Federal Funding</b> (Not to exceed \$800,000)		<b>\$0</b>	<b>\$100,000</b>	<b>\$50,000</b>	<b>\$650,000</b>	<b>\$800,000</b>
<b>Cost Share</b> (\$40,000)		\$18,000	\$6,000	\$10,000	\$6,000	\$40,000
<b>Total Budget</b> (Direct + Indirect + Cost Share)		<b>\$18,000</b>	<b>\$106,000</b>	<b>\$60,000</b>	<b>\$656,000</b>	<b>\$840,000</b>

**IV.E.3.c. Measuring Environmental Results (5 points):** If awarded, the District will report progress to EPA, other project partners, and the public to demonstrate attainment of expected project outputs. To track project activities, investments, and grant sources, the District currently uses an ACCESS database that allows District staff to query information specific to grant reports, partner contributions, and other reportable metrics. District staff will provide a minimum of quarterly project updates during Board meetings, which will be documented in meeting minutes and regular updates to the Acme Working Group, at least twice per year, through email and/or in-person meetings. The project website and social media platforms will be updated with assessment reports, community meetings and planning activities, and other information, as milestones are completed.

#### **IV.E.4 Programmatic Capability and Past Performance (35 points)**

##### **IV.E.4.a Programmatic Capability (20 points)**

**IV.E.4.a.i Organizational Structure and Experience (10 points):** Although the District has not yet administered specific grants related to assessments, cleanups, and reuse of brownfield sites, it has collaborated with EPA and the Wyoming Voluntary Program on Targeted Brownfield Assessments and the state's current EPA Assessment Grant. The District has a vast amount of experience working with the local community on several projects that include extensive communication with landowners and partners. A political subdivision of state government, the District is governed by a 5-member elected Board of Supervisors. As an elected-body, the District Board has to maintain fiscal accountability of public funds and conduct business (including project-specific discussions) in an open, transparent process. Board members and staff have degrees and experience in environmental and land management, engineering, and education fields. The District Manager has been with the District for over 22 years and has a solid understanding of grant management, fiscal accountability, and community resources.

As the site owner, the District is ultimately responsible for ensuring that the Acme site be made suitable for reuse. Close communication with the Wyoming Voluntary Program will guarantee activities meet the appropriate regulatory standards. The District Manager, in consultation with other staff and partners, will provide documentation on progress and accomplishments to the Board, partners, the public, and to EPA through quarterly reports and updates to ACRES. The District Board must approve all agreements, contracts, and payments and is responsible for soliciting and selecting contractors and service providers according to the District procurement policy.

***IV.E.4.a.ii Description of Key Staff (5 points):*** District Manager, Carrie Rogaczewski, has a Master of Science in Rangeland Ecology and Watershed Management with an emphasis in water resources from the University of Wyoming and over 22 years with the District. In her capacity as District Manager, she serves as the liaison between the Board of Supervisors and other government agencies and organizations and is responsible for the coordination of a diverse natural resource conservation program, including:

- administration and management of multiple grants from federal, state, and private sources;
- development, distribution, and ranking of Request for Proposals for Board approval; and
- oversight of water quality monitoring programs (including planning and data validation).

Program Specialist, Jackie Turner, has Bachelor of Science degrees in Geography and in Environment and Natural Resources with GIS and natural resource management concentrations, a minor in journalism, and over 3 years of experience with the District. Jackie serves as the field supervisor for the water quality monitoring program, manages individual contracts with landowners, and is responsible for maintaining and developing the District website/social media platforms and outreach materials.

In addition to input from representatives from the Acme Working Group, Carrie and Jackie will be supported specifically by Susan Holmes (current chair of the District) who is retired professional engineer and Cindi Martinez and Ben Luckey with the Wyoming Voluntary Program, all of which have backgrounds and/or experience working with these types of projects.

***IV.E.4.a.iii. Acquiring Additional Resources (5 points):*** As a small office, the District has experience securing professional engineering and/or technical services for larger projects. In such cases, the District follows their official procurement policy, which requires a competitive bid process for goods and services in excess of \$75,000. Requests for Proposals define all minimum requirements for design, performance, and qualifications and the method/criteria to be used for selection. The policy is flexible enough that the District can accommodate additional federal requirements as necessary.

The District Manager is generally responsible for drafting and distributing Requests for Proposals and Requests for Cost Estimates upon Board approval. Depending on the type of project, the District may assemble a technical review team, separate from the Board, to review submissions and make recommendations. While the Board will consider the review team recommendation, several other factors are also considered, including qualifications, cost-effectiveness, and scope. Ultimately, the Board will make the final selection, with contract details and/or negotiations to be handled by the District Manager. For this project, the District will work closely with the Wyoming Voluntary Program staff, who have degrees in geology, ecology, environmental biology, chemical engineering, and environment and natural resources as well as extensive experience in planning and reviewing workplans and reports.

**IV.E.4.b. Past Performance and Accomplishments (15 points)**

***IV.E.4.b.i. Currently Has or Previously Received an EPA Brownfields Grant (15 points):***

Not Applicable

***IV.E.4.b.ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements (15 points):*** While this is the first project the District has undertaken to address brownfield sites, the District has a long history of managing multiple grants and agreements through federal, state, and private sources, including numerous grants through sections 319 and 205(j) of the Clean Water Act. These federal dollars have been leveraged with state grants through the Wyoming Department of Agriculture, Wyoming Game and Fish Department, Wyoming Wildlife and Natural Resource Trust, the Nature Conservancy, and other sources.

Grant	Awarding Agency	Amount	Match/ Leverage	Status
Sheridan County Water Quality Improvements #5 (2016-2020)	US EPA through WDEQ; Section 319 of Clean Water Act	\$253,250	\$312,736	Completed
Upper Tongue River Water Quality Improvements (2015-2021)	USDA NRCS Regional Conservation Partnership Program	\$1.9 Million	\$1.6 Million	Active
2019 Sheridan County Flood Mitigation Projects (2020-2021)	USDA NRCS Emergency Watershed Protection Program	\$842,903	\$249,250	Active

**1) Progress and Accomplishments:** The purpose of the *Sheridan County Water Quality Improvements #5 and Upper Tongue River Water Quality Improvements* Projects was to improve water quality in the Tongue River watershed by addressing bacteria, sediment, and temperature impairments, through implementation of existing watershed plans and partner priorities. These grants enabled the installation of multiple water quality and habitat improvement projects, continued water quality monitoring, and community outreach. This effort included procuring engineering services and construction on a 16-landowner bank and channel stabilization project with over \$520,000 in federal, state, municipal, and private funding sources, all of which were administered by the District. Funding from the *Sheridan County USDA Emergency Watershed Protection Program* will be used to mitigate damages from flooding in 2019 at 13 sites on 8 landowners in two separate watersheds. Construction on three sites is mostly complete, with the other 10 in varying stages of permitting, contracting, design, and construction.

**2) Compliance with Grant Requirements:** The District has a strong track record of meeting reporting deadlines and multiple levels of grant compliance, including submission of reimbursement requests on SF270 Claims forms or other required formats, project specific Minority or Woman Owned Business Enterprise (MBE/WBE) reporting forms, quarterly SF425 financial reports, semi-annual and/or annual progress reports, and final reports. Submission of validated water quality data (in the proper format) are deliverables for the water quality grants. As part of the RCPP Project, the District tracked and reported USDA project contributions as well as all partner leverage. For contracted technical assistance portions, the District coordinates with design engineers and USDA to ensure that plans and construction meet the appropriate design standards and specifications. The District has also worked through ezFedGrants and the RCPP portals to meet reporting requirements.

***IV.4.b.iii. Never Received Any Type of Federal or Non-Federal Assistance Agreements (8 points):***

Not applicable



**SHERIDAN COUNTY CONSERVATION DISTRICT  
ACME REVITALIZATION EPA MULTIPURPOSE GRANT APPLICATION  
THRESHOLD CRITERIA**

**III.B.1. Applicant Eligibility**

The Sheridan County Conservation District (District), current owner of the site, is a political subdivision of state government under the Wyoming Department of Agriculture authorized by Wyoming Statutes 11-16-101 through 135 (attached). As a special district, the District is also subject to other Wyoming laws and statutes, including, but not limited to, the Special District Elections Act, Public Records Act, and Open Meetings Act. The District was formed in 1972 through the merger of three existing districts and has a long-standing reputation for addressing natural resource needs in Sheridan County, Wyoming (see attached certificates of organization and name change).

**III.B.2. Community Involvement**

The Acme Power Plant Reclamation Project is a community effort to address environmental and safety concerns on over 5 acres associated with the former Acme Power Plant. As such, community involvement has been and will continue to be an integral part of the project. A project website includes information on the site's history, project vision, updates on activities, and interactive links for people to share their stories and ideas for redevelopment. Through enrollment in the Wyoming Voluntary Remediation Program, a formal Public Participation Plan was developed to document the existing and on-going activities to facilitate local involvement. As with other rural areas of Wyoming, the most effective means of communication are face-to-face interactions, either through project-specific meetings or through informal discussions at community events or annual picnics hosted by the past residents and/or descendants of the mining communities that used to exist in the area. For project-specific events, the first step is to ensure attendance by community members. In these rural communities, the most effective strategy is to utilize a combination of direct mail, announcements in local newspaper and radio stations, and social media outlets. Participation from 50-60 people is considered a good turn-out in these small communities. An initial community visioning session, facilitated by the Kansas State University Technical Assistance to Brownfields Group in August 2017, had active participation from 56 community members and 6 local and state stakeholders. Given the current difficulties with face-to-face gatherings, the District and other project partners are exploring other methods, including virtual platforms. Having solid community engagement will be especially important as the project transitions into more focused reuse discussions and refining the revitalization plan for the target area. Project partners previously developed three themes to be incorporated into future reuse discussions, including: 1) protect water and land quality, 2) ensure public access/use, and 3) capture the historical importance of the site. Participants at the community visioning session and subsequent update meetings have heavily favored uses that supported outdoor recreation and an appreciation of the area history.

**III.B.3. Target Area**

The target area consists of the Upper Tongue River valley in western Sheridan County (Census Tracts 1, 2, 3, 4, and 6), and includes the former Acme Power Plant (priority brownfield site), which is approximately 5.8 acres along the banks of the Tongue River, near the old Acme townsite. The Acme site houses an abandoned coal-fired power plant and other outbuildings, a coal-ash pile, and surrounding areas used for automobile salvage and crushing, battery recycling, and other activities. Historic records indicate the coal-fired power plant operated from 1910 to 1976 and supplied power to the Acme Mine and surrounding area. The adjacent area is a popular destination for outdoor enthusiasts and an important piece of the area's mining history.

Phase I and Phase II Targeted Brownfield Assessments were completed in 2017 and confirmed lands impacted by petroleum hydrocarbons and hazardous substances and abandoned buildings of varying sizes, all contaminated to some extent with asbestos and lead-based paint. An EPA Assessment Grant through the Wyoming Voluntary Program is being used to characterize contamination and mitigation planning for the soils and groundwater in the target area. Additional assessment and planning specific to the buildings and coal-ash pile are needed. In the 2020 Sheridan County Comprehensive Plan Update, the area was included as a Special Planning Area, which indicates an area "recognized by the County for its unique economic development potential" but where land use designations will be completed later through a community planning process.

#### **III.B.4. Affirmation of Brownfields Site Ownership**

As the Brownfields Authority for the State of Wyoming Department of Environmental Quality, the Voluntary Remediation Program determined that the Acme site is eligible for brownfields funding. The proposed sites are not listed, nor proposed for listing, on the National Priorities list, are not subject to any unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA, nor are the sites subject to the jurisdiction of the US. government. The District assumed ownership of the 5.8-acre property, containing the buildings and part of the coal-ash pile, in June 2017, after All Appropriate Inquiries were performed by USEPA's Targeted Brownfields Assessment contractor (see attached Deed). The Voluntary Remediation Program has confirmed that the District is considered an innocent owner under state and federal guidelines and acquired the property with the express intent of cleaning up this large, complex, site and returning it to reuse by the local community.

#### **III.B.5. Use of Grant Funds**

Multipurpose Grant funding will be used to conduct assessment activities for the structures and/or adjacent coal-ash pile (page 8), cleanup activities, including asbestos abatement in the building and/or soil and groundwater remediation activities (page 9), and to develop an overall plan for revitalization of the Acme Power Plant site that incorporates existing future use expectations developed by project partners, existing plans for Sheridan County and others, and community input (page 9). Over 90% of the funds are allocated to site specific tasks, including assessment and remediation with another \$60,000 for reuse planning and community engagement activities.

#### **III.B.6. Required Cost Share**

The District will provide a \$40,000 cost-share to the grant for eligible and allowable expenses, including \$39,000 for 780 hours In-Kind personnel time for grant management, assessment and cleanup documents review and coordination, and community engagement activities and \$1000 in supplies for engagement activities.

#### **Attachments:**

Letter from State Brownfields Authority-inserted as Page 3 of Narrative Information Section  
State Statutes and Certificates of Organization  
Property Deed as Documentation of Ownership

the prosecution, or shall be imprisoned not exceeding six (6) months, or both. Any inspector who fails or neglects to perform the duties imposed by this act shall suffer the penalty herein provided.

## CHAPTER 16 CONSERVATION DISTRICTS

### **11-16-101. Short title.**

This act may be cited as the "Wyoming Conservation Districts Law."

### **11-16-102. Definitions.**

(a) As used in this act:

(i) "Agency of this state" means any subdivision, agency or instrumentality, corporate or otherwise, of the government of this state;

(ii) "At large member" means any registered voter and taxpayer within the county;

(iii) "Commission" or "state conservation commission" means the state board of agriculture;

(iv) "Conservation" means development, improvement, maintenance, preservation, protection and use of natural resources, and the control and prevention of floodwater and sediment damages, and the disposal of excess waters;

(v) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with this act;

(vi) "Due notice" for those provisions other than election and referendum provisions, means notice published at least twice, with an interval of six (6) days between the two (2) publication dates, in a newspaper of general circulation within the boundaries of the proposed or organized district, or by posting at five (5) conspicuous places within the organized or proposed district, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. Except as otherwise provided in this act, the notice of any hearing required under this act shall fix the time, place and purpose,

which shall be not less than ten (10) or more than fifteen (15) days after the first publication or first posting of the notice. Any hearing held pursuant to such notice may be adjourned from time to time without renewing the notice for the adjourned dates. Notice for any election or referendum required by this act shall be as specifically provided in this act, or if not specifically provided in this act, as required in the Special District Elections Act of 1994;

(vii) "Government" or "governmental" means the government of this state, the government of the United States, and any subdivision, agency or instrumentality, corporate or otherwise, of either of them;

(viii) Repealed by Laws 1987, ch. 21, § 3.

(ix) Repealed by Laws 1998, ch. 115, § 5.

(x) "Renewable natural resources," "natural resources" or "resources," means land, soil, water, vegetation, trees, wild rivers, wilderness, natural beauty, scenery and open space;

(xi) "Urban" or "urban member" means any registered voter of an incorporated Wyoming municipality;

(xii) "This act" means W.S. 11-16-101 through 11-16-135.

### **11-16-103. Legislative declarations and policy.**

(a) It is hereby declared that the farm and grazing lands of Wyoming are among the basic assets of the state; that improper land use practices cause and contribute to serious erosion of these lands by wind and water; that among the consequences which would result from such conditions are the deterioration of soil and its fertility and the silting and sedimentation of stream channels, reservoirs, dams and ditches; that to conserve soil, and soil and water resources, and prevent and control soil erosion, it is necessary that land use practices contributing to soil erosion be discouraged and that appropriate soil conserving land use practices be adopted.

(b) It is hereby declared to be the policy of the legislature to provide for the conservation of the soil, and soil and water resources of this state, and for the control and prevention of soil erosion and for flood prevention or the

conservation, development, utilization, and disposal of water, and thereby to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote the health, safety and general welfare of the people of this state.

**11-16-104. Repealed by Laws 1987, ch. 15, § 1.**

**11-16-105. State board of agriculture; duties generally.**

(a) The commission shall:

(i) Keep a record of its official actions, adopt a seal, which shall be judicially noticed, and perform acts, hold public hearings and promulgate rules and regulations as necessary for the execution of its functions under this act;

(ii) Assist and guide districts in the preparation and carrying out of programs for resource conservation authorized under this act, review district programs, coordinate the programs of the several districts and resolve any conflicts, and facilitate, promote, assist, harmonize, coordinate and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties and other public agencies;

(iii) Keep the supervisors of the districts organized under this act informed of the activities and experiences of other districts and facilitate cooperation and an interchange of advice and experience between the districts;

(iv) Coordinate the programs of the several conservation districts so far as this may be done by advice and consultation;

(v) Recommend the appropriation of state funds necessary to finance the activities of the commission and the conservation districts; distribute to conservation districts funds, equipment, supplies and services received by the commission for that purpose from any source, subject to conditions made applicable thereto by any state or federal statute or local ordinance making available the funds, property or services; issue regulations establishing guidelines and suitable controls to govern the use by conservation districts of such funds, property and services; and review all budgets, administrative procedures and operations of the districts and

advise the districts concerning their conformance with applicable laws and regulations;

(vi) Disseminate information throughout the state concerning the activities and programs of the conservation districts and encourage the formation of such districts in areas where their organization is desirable; enlist the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts; facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources; and except as otherwise assigned by law, carry out the policies of this state in programs at the state level for the conservation of the renewable natural resources of this state and represent the state in matters affecting such resources.

(b) Whenever the commission determines that there exists a substantial conflict between the resources conservation program of a district and the proposed plans or activities directly affecting resource conservation prepared by any other local governmental unit or agency of this state, and the conflict cannot be resolved through consultation procedures, the commission shall submit a report to the governor.

**11-16-106. Department of agriculture; when contracts invalid.**

No contract of the state commission for the payment of money is valid unless the commission has available at the time the contract is made funds sufficient for the payment thereof.

**11-16-107. Report to director; reports by district supervisors to board.**

(a) On or before November 1 each even-numbered year, the commission shall report to the director of the department of agriculture the number and acreages of districts in existence or in process of organization, together with an estimate of the number and probable acreages of the districts which may be organized during the ensuing period; the balance of funds, if any, available to the commission and to the districts; and the estimates of the commission as to the sums needed for its administrative and other expenses and for allocation among the several districts during the ensuing period.

(b) The supervisors of the respective districts shall submit to the commission such statements, estimates, budgets and other information as the commission may require. The director shall include the information furnished by the commission in his report to the governor.

**11-16-108. Petition to form district; contents; consolidation and exclusion.**

(a) Any ten (10) owners of land lying within the limits of the proposed district may file a petition with the commission asking that a conservation district be organized to function in the territory described in the petition. The petition shall meet all of the requirements of W.S. 22-29-105(f). The commission shall act upon the petition for formation in the same manner as set forth in W.S. 22-29-109 for county commissioners in determining if a petition for district formation shall be voted upon. When more than one (1) petition is filed covering parts of the same territory, the commission may consolidate all or any such petitions, or may exclude from any petition areas in conflict with another petition or petitions.

(i) Repealed by Laws 1998, ch. 115, § 5.

(ii) Repealed by Laws 1998, ch. 115, § 5.

(iii) Repealed by Laws 1998, ch. 115, § 5.

(iv) Repealed by Laws 1998, ch. 115, § 5.

(v) Repealed by Laws 1998, ch. 115, § 5.

**11-16-109. Notice and hearing on petition; approval or denial; criteria.**

After the hearing, if the commission determines, upon the facts presented at the hearing and other relevant facts that are available, that there is need in the interest of the public health, safety and welfare for a conservation district to function in the territory considered at the hearing, it shall record such determination and define by metes and bounds or by legal subdivisions the boundaries of the district. In making the determination and defining the boundaries, the commission shall give weight and consideration to the topography of the area considered and of the state, the composition of soils therein, the distribution of erosion, the carrying capacity and condition



of grazing lands, the numbers of livestock grazed, the prevailing land use and management practices, the desirability and necessity of including within the district the particular lands under consideration and the benefits such land may receive from being included within the district, the relation of the proposed district to existing watersheds and agricultural regions and to other conservation districts already organized or proposed for organization, and such other physical, geographical and economic factors as are relevant, having due regard to the legislative policy set forth in W.S. 11-16-103. The territory included within the district need not be contiguous. If the commission determines there is no need for a conservation district to function in the territory considered at the hearing, it shall record such determination and deny the petition. Any owner of lands within a proposed district which is less than a countywide district may have his owned and leased lands excluded from the proposed district upon presentation of a petition and description of the lands to the commission not less than seven (7) days prior to the holding of the referendum for the organization of the district.

**11-16-110. Canvass of ballots.**

(a) Repealed by Laws 1998, ch. 115, § 5.

(b) Repealed by Laws 1987, ch. 21, § 3.

(c) Repealed by Laws 1998, ch. 115, § 5.

(d) Repealed by Laws 1987, ch. 21, § 3.

(e) Immediately after the polls close, the referendum officers shall canvass the ballots. The results disclosed by the canvass shall be certified by the commission.

(f) If a majority of the qualified electors voting in the referendum favor the formation of the district, the proposal to organize the proposed district shall carry and the commission shall proceed to make the determination required in W.S. 11-16-112. If the majority of the qualified electors voting in the referendum are against the organization of the district, the proposal to form the district shall fail and the commission shall deny the petition. The commission shall promptly make public the result of the referendum.

**11-16-111. Board of agriculture to provide for issuance of notices, conduct of hearings and referenda.**

The commission shall provide for the issuance of notices and the conduct of hearings and referenda by appropriate regulations. It shall provide for registration prior to the date of the referendum of all eligible voters, or prescribe some other appropriate procedure for the determination of those eligible as voters in the referendum.

**11-16-112. Result of referendum; announcement; practicability of district; determination; criteria.**

After making public the result of the referendum, the commission shall consider and determine whether the operation of the district within the defined boundaries is administratively practicable. If the commission determines the operation of the district is not administratively practicable, it shall record the determination and deny the petition. If the commission determines that the operation of the district is administratively practicable, it shall record the determination and proceed with the organization of the district. In making the determination the commission shall give regard to the attitudes of the voters lying within the defined boundaries, the number of voters eligible to vote in the referendum who voted, the proportion of votes cast in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the owners of land of the proposed district, the probable expense of carrying on erosion-control operations within the district, and other economic and social factors as are relevant.

**11-16-113. Establishment of district.**

(a) If the commission determines the operation of the proposed district is administratively practicable, it shall appoint two (2) supervisors who are owners of land in the district to act with three (3) supervisors elected as provided hereinafter as the governing body of the district. The district shall be a governmental subdivision of this state and a public body corporate and politic. The two (2) appointed supervisors shall present to the secretary of state an application signed by them setting forth by recital only and not in detail:

(i) That a petition for the creation of the district was filed with the commission pursuant to the provisions of this act, and the proceedings specified in the act were taken pursuant to the petition;

(ii) That the application is filed to complete the organization of the district as a governmental subdivision and a public body, corporate and politic, under this act;

(iii) That the commission has appointed them as supervisors;

(iv) The name and official residence of each supervisor and a certified copy of the appointment evidencing his right to office;

(v) The term of office of each supervisor;

(vi) The name of the district; and

(vii) The location of the principal office of the supervisors of the district.

(b) The application shall be subscribed and sworn to by each supervisor before an officer authorized to administer oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers affirmed in the application, and that each has subscribed thereto in the officer's presence. The application shall be accompanied by a certified statement by the commission, setting forth the boundaries of the district but otherwise containing no detail other than the mere recitals that:

(i) A petition was filed, notice issued and hearing held as required by law;

(ii) The commission determined that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the proposed territory and did define the boundaries;

(iii) Notice was given and a referendum held on the question of the creation of such district;

(iv) The result of the referendum showed a majority of the votes cast in favor of the creation of the district; and

(v) The commission did determine the operation of the proposed district is administratively practicable.

(c) The secretary of state shall examine the application and statement and if he finds the name proposed for the district

is not so similar to that of another conservation district as to cause confusion or uncertainty, he shall record them in an appropriate book in his office. If the secretary of state finds the name proposed for the district is so similar to that of any other conservation district of this state as to lead to confusion, he shall certify that fact to the commission, which shall submit a new name for the district which is not subject to such defects. Upon receipt of the new name the secretary of state shall record the application and statement, with the name so modified, in an appropriate book. When the application and statement have been made, filed and recorded, the district is a governmental subdivision of this state and a public body corporate and politic. The secretary of state shall issue to the supervisors a certificate, under the seal of the state, of the organization of the district, and shall record the certificate with the application and statement. The boundaries of the district shall include the territory determined by the commission, but shall not include any area included within the boundaries of another conservation district organized under this act.

**11-16-114. Repealed by Laws 1998, ch. 115, § 5.**

**11-16-115. Districts; transfer of land; division or consolidation; change in name.**

(a) Upon written request of the board of supervisors of the conservation district or districts involved, with a showing that the request is approved by a majority vote of the members of each board involved the commission may, by administrative order:

(i) Transfer lands from one district to another;

(ii) Divide a single district into two (2) or more districts, each of which shall thereafter operate as a separate district; or

(iii) Consolidate two (2) or more districts to operate thereafter as a single district.

(b) The secretary of state shall make and issue a corrected certificate of organization upon receipt of such certification from the commission.

(c) Petitions for a change in the name of a conservation district may be submitted to the commission by the board of

supervisors of a conservation district. If the commission approves the change of name, it shall certify the change to the secretary of state and shall notify the board of supervisors of the conservation district of the change, setting out in the notice the new name of the district. The secretary of state shall make and issue a corrected certificate of organization upon receipt of such certification from the commission.

**11-16-116. Districts; proof of organization.**

In any suit, action or proceeding relating to any action of the district, the district is deemed to have been established in accordance with this act upon proof of the issuance of the certificate by the secretary of state. A copy of the certificate certified by the secretary of state is admissible in evidence in any suit, action or proceeding and is proof of the filing and contents thereof.

**11-16-117. Districts; termination; dissolution procedures; determination by board of agriculture; legal effects of dissolution.**

(a) After five (5) years after the organization of a district under this act, any ten (10) owners of land lying within the district may petition the commission that the operations of the district be discontinued and the existence of the district terminated. The commission may conduct public meetings and hearings upon the petition as necessary in the consideration thereof. Within sixty (60) days after a petition has been filed with the commission, it shall give notice of a referendum as provided in the Special District Elections Act of 1994. The commission shall supervise the referendum and issue appropriate regulations governing the conduct thereof. The question shall be submitted by ballots upon which the words "For terminating the existence of the .... (name of the conservation district to be here inserted)" and "Against terminating the existence of the .... (name of the conservation district to be here inserted)" shall appear, with a square before each proposition and a direction to insert an X mark in the square before one (1) or the other as the voter may favor or oppose dissolution of the district. Qualified electors of the district are eligible to vote in the referendum. No informalities in the conduct of the referendum or related matters shall invalidate the referendum or result if notice is given substantially as herein provided and the referendum is fairly conducted.

(b) The commission shall publish the result of the referendum. If a majority of the votes cast in the referendum oppose dissolution of the district, the commission shall determine whether the continued operation of the district within the defined boundaries is administratively practicable. If the commission determines the continued operation of the district is administratively practicable, it shall record its determination and deny the petition. If a majority of the votes cast favor dissolution of the district it shall certify that fact to the supervisors of the district. In making the determination of administrative practicality to continue the district the commission shall consider those factors set forth in W.S. 11-16-112 for creation of the district.

(c) Upon receipt from the commission of a certification that the majority of votes cast in the referendum favor dissolution of the district, the supervisors shall forthwith terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and pay the net proceeds of the sales to the state treasurer. The supervisors shall thereupon file a verified application with the secretary of state for dissolution of the district, and shall transmit with the application the certificate of the commission that the majority of votes cast at the referendum favored dissolution of the district. The application shall recite that the property of the district has been disposed of and the proceeds paid over as provided by law, setting forth a full accounting of the properties and proceeds of sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record the certificate in an appropriate book in his office. The secretary of state shall make no charge for any service required of him by this act.

(d) Upon issuance of a certificate of dissolution all ordinances and regulations adopted and in force within the district are void. All contracts to which the district or supervisors are parties remain in force and effect for the period provided in such contracts. The commission shall be substituted for the district or supervisors as party to the contracts. The commission is entitled to all benefits and subject to all liabilities under such contracts and has the same right and liability to perform, require performance, sue and be sued thereon, and to modify or terminate the contracts as the supervisors of the district would have had. Dissolution does not affect the lien of any judgment entered or the pendency of any action instituted under W.S. 11-16-126 [repealed], and the

commission succeeds to all rights and obligations of the district or supervisors as to such liens and actions.

**11-16-118. District supervisors; term; vacancies; expenses; removal; quorum; bond required of employees; areas included in district; cooperative agreement with city.**

(a) The term of the two (2) supervisors appointed extends from their appointment until the second annual election held in the district. A supervisor shall hold office from his election or appointment and taking of the oath of office until his successor has been elected or appointed, and qualified. Vacancies shall be filled for the unexpired term. Vacancies in the office of any supervisor shall be filled by appointment by the commission upon the recommendations of the district supervisors, the appointee to serve until the next election at which time the vacancy shall be filled by the electors for the unexpired term. A supervisor shall receive no compensation for his services, but is entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties. Any supervisor may be removed by the commission upon notice and hearing, for neglect of duty or malfeasance in office.

(b) A majority of the supervisors constitutes a quorum and the concurrence of three (3) supervisors is required for determination of any matter.

(c) The supervisors shall require a bond to be issued for all employees and officers entrusted with funds or property. The supervisors shall provide for keeping a full and accurate record of all proceedings, resolutions, regulations and orders issued or adopted. The accounts, receipts and disbursements of the district shall be subject to the audit and reporting requirements set forth in W.S. 9-1-507(a)(iii).

(d) All cities, towns, villages or other urban and suburban areas lying wholly or partly within the exterior boundaries of a conservation district shall, from the effective date of this act, be included in the district. In doubtful cases, the commission shall determine the district which includes any urban or suburban area.

(e) By cooperative agreement with the city concerned, a district may perform within the boundaries of the city any work required or authorized under this act, through such administrative and financial arrangements as the city and the district agree upon.



**11-16-119. District supervisors; nomination; qualifications; election; term.**

Within thirty (30) days after issuance by the secretary of state of a certificate of organization of a conservation district, applications for election under the Special District Elections Act of 1994 may be filed with the commission by candidates for supervisors, who shall be owners of land within the district. The commission may extend for not to exceed thirty (30) days the time within which applications may be filed. The commission shall give notice of an election to be held for the election of three (3) supervisors for the district. All qualified electors within the district are eligible to vote. The three (3) supervisors first elected shall draw lots, one (1) for a term of two (2) years, and two (2) for a term of three (3) years. Thereafter supervisors shall be elected each year to serve for a full term of three (3) years. The number of supervisors elected each year shall be determined by the number of supervisors whose terms expire at that time. The commission shall provide for all elections, supervise the conduct thereof, and prescribe regulations governing the conduct of all elections, and shall make public the result thereof.

**11-16-120. District supervisors; elections under Election Code and for new districts.**

(a) District supervisors shall be elected in subsequent elections under the Special District Elections Act of 1994 and as hereinafter provided for new districts:

(i) At the first subsequent director election following establishment of a new district, five (5) supervisors, who reside within the district shall be elected at large by a nonpartisan ballot. Three (3) supervisors shall be rural residents, one (1) shall be a resident of an urban area and one (1) shall be elected at large. At the first subsequent director election, the at large candidate receiving the largest number of votes shall be elected for a four (4) year term, the urban candidate receiving the largest number of votes shall be elected for a four (4) year term, the rural candidate receiving the largest number of votes shall serve a four (4) year term and the two (2) candidates receiving the next highest number of votes shall be elected for two (2) year terms. In succeeding elections all supervisors shall be elected for four (4) year terms.

(ii) Repealed by Laws 1998, ch. 115, § 5.

**11-16-121. District supervisor; cooperation and agreements between districts; agreements with districts in adjoining states.**

(a) The supervisors of two (2) or more districts organized under this act may cooperate in the exercise of any or all powers conferred in this act.

(b) Any two (2) or more districts may engage in joint activities by agreement for planning, financing, constructing, operating, maintaining and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment or services available to them under this act.

(c) Any district may enter into such agreements with districts in an adjoining state if the law in the other state permits such agreements.

(d) The commission may propose, guide and facilitate the establishment and carrying out of such agreements.

**11-16-122. Powers and duties of districts and supervisors thereof generally.**

(a) Each conservation district organized under this act shall make an annual estimate of the funds required by the district for conservation programs and present a certified copy of the estimate, along with a budget showing all anticipated income and expenses, to the county commissioners. District supervisors shall administer the finances of the district according to the provisions of the Uniform Municipal Fiscal Procedures Act, except that an annual audit in accordance with W.S. 16-4-121 is not required. Each district shall comply with the provisions of W.S. 9-1-507(a)(iii).

(b) A conservation district organized under this act and the supervisors thereof, in addition to other powers granted by this act, may:

(i) Employ personnel and determine their duties and conditions of employment;

(ii) Call upon the attorney general of the state for legal services or employ their own counsel and legal staff;

(iii) Delegate to their chairman, to one (1) or more supervisors or to one (1) or more agents or employees such delegable powers and duties as they deem proper;

(iv) Furnish to the state conservation commission upon request, copies of ordinances, rules, regulations, orders, contracts, forms and other documents they adopt or employ, and such other information concerning their activities as it may require and to the county clerk copies of ordinances, rules, regulations and orders it adopts in accordance with law;

(v) Conduct surveys, investigations and research and disseminate information relating to range management, the character of soil erosion, flood prevention or the conservation, development, utilization and disposal of water, and the preventive and control measures and works of improvement needed, but in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or its agencies, or with the United States or its agencies;

(vi) Conduct demonstration projects within the district on lands owned or controlled by this state or its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on other lands within the district with the consent of the owner or occupier of the lands, to demonstrate range management practices, the means, methods and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and washing may be prevented and controlled and works of improvement for flood prevention or the conservation, development, utilization and disposal of water may be carried out;

(vii) Carry out preventive and control measures and works of improvement within the district, including engineering operations, range management, methods of cultivation, the growing of grass or other vegetation, changes in use of land or any measure which may be developed for the control of erosion and better use of soil, and works of improvement for flood prevention or the conservation, development, utilization and disposal of water on lands owned or controlled by this state or its agencies, with the cooperation of the agency administering and having jurisdiction thereof, or on other lands within the district with the consent of the owner or occupier of the lands;

(viii) Cooperate, including but not limited to representing the conservation district as a cooperating agency with special expertise as provided by the National Environmental Policy Act and in federal land planning implementation as provided in W.S. 11-16-135(a), enter into agreements with and furnish financial or other aid to, any agency, governmental or otherwise, or any owner or occupier of lands within the district, in carrying on range management or erosion control and prevention operations and works of improvement for flood prevention or the conservation, development, utilization and disposal of water within the district, subject to such conditions as the supervisors deem necessary;

(ix) Repealed by Laws 1987, ch. 21, § 3.

(x) Repealed by Laws 1987, ch. 21, § 3.

(xi) Repealed by Laws 1987, ch. 21, § 3.

(xii) Repealed by Laws 1987, ch. 21, § 3.

(xiii) Repealed by Laws 1987, ch. 21, § 3.

(xiv) Make available on terms it prescribes, to owners and occupiers of land within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, male breeding animals, livestock supplies and such other material or equipment as will assist the owners and occupiers of land to carry on operations upon their lands and upon those owned or leased by the district, for range improvement and stabilization, the conservation of soil and water resources, the prevention and control of soil erosion and for flood prevention or the conservation, development, utilization and disposal of water. The assistance authorized by this paragraph shall be on a limited scale for demonstration purposes and the district shall not be deemed authorized to compete with private industry;

(xv) Repealed by Laws 1987, ch. 21, § 3.

(xvi) Develop and implement comprehensive resource use and management plans for range improvement and stabilization, conservation of soil, water and vegetative resources, control and prevention of soil erosion and for flood prevention or the conservation, development, utilization and disposal of water within the district, which plans shall include range management provisions and shall specify in detail the

acts, procedures, performances and avoidances necessary or desirable to carry out the plans, including the specification of engineering operation, fence and stockwater developments, methods of cultivation, the growing of grass and other vegetation, cropping and range programs, tillage and grazing practices, and changes in use of lands. In developing plans under this paragraph, the supervisors of the district shall consider the customs and culture of residents of the district as those customs and culture relate to the land and resource, current and historical information and data related to the uses of the land and resource;

(xvii) Make public the plans and information and bring them to the attention of owners and occupiers of land within the district;

(xviii) Repealed by Laws 1987, ch. 21, § 3.

(xix) Manage, as agent of the United States or any of its agencies, and enter into agreements with the United States or any of its agencies, or this state or any of its agencies, to effect cooperation with the United States or any of its agencies under United States Public Law 566 approved August 4, 1954, or amendments thereto, in connection with the acquisition, construction, operation or administration of any land utilization, soil conservation, erosion control, erosion prevention, flood prevention projects, conservation of water, water utilization, disposal of water in watershed areas and other water projects within its boundaries;

(xx) Act as representative for local groups in dealing with the United States or its representatives, in soil or water conservation matters under United States Public Law 566 approved August 4, 1954, or amendments thereto;

(xxi) Accept donations, gifts and contributions in money, services, materials or otherwise from any source which will impose no financial obligation upon the state, and use or expend the monies, services, materials or contributions in carrying on its operations;

(xxii) Sue and be sued in the name of the district;

(xxiii) Have a seal, which shall be judicially noticed;

(xxiv) Have perpetual succession unless terminated as hereinafter provided;

(xxv) Make and execute contracts and other instruments necessary to the exercise of its powers;

(xxvi) Make, amend and repeal rules and regulations not inconsistent with this act, to implement its purposes and powers;

(xxvii) As a condition to extending any benefits to or performance of work upon any land not owned or controlled by the state or its agencies, require contributions in money, services, materials or otherwise to any operations conferring benefits and require owners and occupiers of land to enter into and perform such agreements or covenants as to the permanent use of such lands as will prevent or control erosion and prevent flood water and sediment damages thereon and promote the best use of such lands;

(xxviii) The supervisors of a conservation district which has officially adopted a comprehensive plan pursuant to W.S. 11-16-122(b) (xvi) may coordinate with federal agencies as provided in the Federal Land Policy and Management Act of 1976, the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the national Forest Management Act of 1976 and any other federal statute which provides for coordination with local governments and federal regulations adopted pursuant to those acts.

(c) A conservation district shall not purchase or hold title to farm lands as defined by W.S. 11-34-101(a) (ii).

**11-16-123. Applicability of provisions concerning other agencies; validity of contracts of supervisors.**

(a) No provisions with respect to the acquisition, operation or disposition of property by other public bodies are applicable to a district organized hereunder unless the legislature shall specifically so state.

(b) No contract of the district supervisors for the payment of money is valid unless the supervisors have at the time the contract is made funds in cash, securities or deposits sufficient for the payment thereof.

**11-16-124. Administration of oaths by secretary or treasurer of district.**

The secretary or treasurer of the district are severally authorized to administer oaths within their district in any matter pertaining to the business of their district where an oath is required by law.

**11-16-125. Repealed by Laws 1987, ch. 21, § 3.**

**11-16-126. Repealed by Laws 1987, ch. 21, § 3.**

**11-16-127. Repealed by Laws 1987, ch. 21, § 3.**

**11-16-128. Repealed by Laws 1987, ch. 21, § 3.**

**11-16-129. Repealed by Laws 1987, ch. 21, § 3.**

**11-16-130. Repealed by Laws 1987, ch. 21, § 3.**

**11-16-131. Repealed by Laws 1987, ch. 21, § 3.**

**11-16-132. Publicly owned lands to be administered in cooperation with districts.**

Agencies of the state, county or any political subdivision of the state which have jurisdiction over or are charged with the administration of any state, county or other publicly owned lands lying within the boundaries of any district organized hereunder, shall cooperate to the fullest extent with the supervisors of the district to effect the programs and operations undertaken by the supervisors under this act and may lease such lands to a district. The supervisors of the districts shall be given free access to enter and perform work upon the publicly owned lands. The provisions of conservation ordinances have the force and effect of law over all publicly owned lands, and shall be in all respects observed by the agencies administering the lands.

**11-16-133. Tax levied on property in district; maximum amount; soil and water conservation fund; other appropriation authorized.**

(a) Subject to W.S. 11-16-134, the county commissioners may annually levy a tax to carry out this act. The tax shall be levied upon all property in the district and shall not exceed one (1) mill on each one dollar (\$1.00) of assessed valuation.



The tax is not part of the general county or city mill levies. The tax shall be levied and collected as other county taxes and the county treasurer shall remit the taxes collected to the district to a separate fund to be known as the conservation district fund, which shall be used only to carry out the purposes of this act.

(b) Whether or not a tax levy is authorized under W.S. 11-16-134, each board of county commissioners may make appropriations from the county general fund to districts established under this act for the purpose of providing soil and water conservation programs.

**11-16-134. Imposition of tax; vote of electors required.**

(a) No tax shall be imposed under W.S. 11-16-133 until the proposition to impose the tax is submitted to a vote of the voters of the district and a majority of those casting their ballots vote in favor of imposing the tax. Any tax imposed under this act shall be levied in the year following the election at which the imposition of the tax is approved.

(b) The proposition to impose a tax under this act shall be at the expense of the county and may be submitted to the voters of the county upon the receipt by the board of county commissioners of a petition requesting the election signed by a majority of the supervisors of the district. The election shall be at the direction and under the supervision of the board of county commissioners.

(c) Subject to the limitation of subsection (b) of this section, the proposition to impose a tax under this act shall be submitted on an election date authorized under W.S. 22-21-103, or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116. A notice of election shall be given by the county clerk in at least one (1) newspaper of general circulation published in the county wherein the election is to be held and shall specify the object of the election. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election the ballots shall contain the words "for the conservation district tax" and "against the conservation district tax". Upon the initial submission of the conservation district tax, or any renewal thereof, after July 1, 1995, the conservation district board of supervisors shall choose one (1) of the following options and the words of the chosen option shall be clearly printed in the appropriate area on the election ballot:

(i) If this proposition is approved, the same proposition shall be submitted at the second following general election or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116, and thereafter at succeeding general elections or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116, every four (4) years until the proposition is defeated; or

(ii) If this proposition is approved, the tax shall remain in effect until a petition to discontinue the tax, signed by not less than ten percent (10%) of the voters of the district, is received by the board of county commissioners, and the proposal to discontinue the tax is approved by the voters. The proposal to discontinue the tax shall be submitted to the voters of the district at the expense of the county at the next general election or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116 for approval or disapproval.

**11-16-135. Special expertise of supervisors of conservation districts.**

When representing a conservation district as a cooperating agency in matters related to the National Environmental Policy Act and in federal land planning, implementation and management actions, supervisors of a conservation district shall be deemed to have special expertise on all subject matters for which they have statutory responsibility as provided in W.S. 11-16-122, including but not limited to all subject matters directly or indirectly related to stabilization of the agriculture industry, protection of natural resources including but not limited to data and information, conservation of soil and water resources, control and prevention of soil erosion, flood prevention or the conservation, development, utilization and disposal of water within the district.

CHAPTER 17  
LIVESTOCK REMEDIES

ARTICLE 1  
LIVESTOCK REMEDIES GENERALLY

**11-17-101. Repealed By Laws 2011, Ch. 98, § 2.**

**11-17-102. Repealed By Laws 2011, Ch. 98, § 2.**

**11-17-103. Repealed By Laws 2011, Ch. 98, § 2.**

STATE OF WYOMING

OFFICE OF THE  
SECRETARY OF STATE

United State of America,  
State of Wyoming

SS.

I, THYRA THOMSON, Secretary of the State of Wyoming do  
hereby certify-----

that a Statement relating to the matter of a Petition  
for Combination of Clouds Peak and Tongue River and Dutch  
Creek-Clear Creek Conservation District under the name of

CLEAR WATER CONSERVATION DISTRICT

and the proceeding taken incident to the combination of said  
districts, and the boundary change between the combined dis-  
trict and the Lake DeSmet Conservation District, as certified  
by the State Soil and Water Conservation District, has been  
submitted to this office.

I FURTHER CERTIFY that the Certificate of Combination  
with the Statement and description of the boundaries, copy  
of which is attached to this certificate has been filed in  
the office of the Secretary of State this third day of Feb-  
ruary 1972 at 4:00 p.m., in accordance with Section 11-234  
through 11-250, Wyoming Statutes, 1957, as amended . . . .

IN TESTIMONY WHEREOF, I have hereunto  
set my hand and affixed the Great Seal  
of the State of Wyoming. Done at  
Cheyenne, the Capital, this third  
day of February A.D. 1972

. . . . Thyra Thomson . . . . .  
Secretary of State

# State of Wyoming



## OFFICE OF THE SECRETARY OF STATE

United States of America, } ss.  
State of Wyoming

I, KATHY KARPAN, Secretary of State of the State of Wyoming, do hereby certify

. . . that a statement relating to the matter of a corrected Certificate of Organization of CLEAR WATER CONSERVATION DISTRICT changing its name to

### SHERIDAN COUNTY CONSERVATION DISTRICT

has been submitted to this office.

I FURTHER CERTIFY that this statement has been filed and recorded in the office of the Secretary of State of Wyoming on this sixteenth day of April, 1993 in accordance with W.S. 11-16-115.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Wyoming. Done at Cheyenne, the Capital, this sixteenth day of

April A.D. 19 93

Kathy Karpan  
Secretary of State

By Sharon Cochran



## QUITCLAIM DEED

**Diversified Resources, LLC**, a dissolved Wyoming limited liability company in wind-up, Dianne Culhane, Manager, whose address is 428 North Jefferson Street, Apt. 121, Sheridan, WY 82801 ("**Grantor**") for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, hereby conveys and quitclaims unto the **Sheridan County Conservation District**, a political subdivision of the State of Wyoming under the State of Wyoming, Department of Agriculture, whose address is 1949 Sugarland Drive, Ste. 102, Sheridan, WY, 82801 ("**Grantee**"), any and all of its right, title and interest in real property and improvements located in Sheridan County, State of Wyoming, and sometimes commonly referred to as the "Acme Power Plant", with an address of 165 Acme Rd., Sheridan, Wyoming 82801, and more particularly described as:

A tract of land situated in the N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 15, Township 57 North, Range 84 West, 6<sup>th</sup> P.M., Sheridan County, Wyoming, described as follows:

Commencing at a point which is N.31°23'E, 1984.5 feet, and thence N.63°05'30"E. 475 feet from the Southwest corner of the said Section 15, said point being marked by a cement monument; thence N.26°54'30"W. a distance of 357 feet to a point marked by a cement monument; thence running S.86°13'55"W. a distance of 509.5 feet to a point marked by a cement monument; thence S.24°54'W. a distance of 127.24 feet to a point; thence running S.26°54'30"E. a distance of 420.82 feet; thence running N.69°06'E. a distance of 578.15 feet to the point of beginning, said tract containing 5.8 acres more or less, together with all and singular the tenements, hereditaments, and appurtenances; and the reversion and reversions, remainder and remainders, rents, issues, and profits;

Together with all improvements thereon and all appurtenances thereto, and including all personal property owned by Seller and located on the property, all appurtenant water and water rights, ditches and ditch rights, reservoirs and reservoir rights, as well as any adjacent property owned by Seller not fully described herein and,

Subject to all easements, reservations, covenants and restrictions, if any, of record.



2017-735980 7/11/2017 4:43 PM PAGE: 2 OF 2  
BOOK: 567 PAGE: 683 FEES: \$15.00 SM QUITCLAIM DEED  
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK

DATED this 27<sup>th</sup> day of June, 2017.

Grantor:

Diversified Resources, LLC,  
a dissolved Wyoming limited liability company in wind-up

*Dianne Ross Culhane*  
Dianne Culhane, Manager in wind-up

STATE OF WYOMING     )  
                                      ) ss.  
County of Sheridan     )

The foregoing instrument was executed and acknowledged before me by Dianne Culhane, in her capacity as Manager of Diversified Resources, LLC, a dissolved Wyoming limited liability company in wind-up, on this 27 day of June, 2017.

WITNESS my hand and official seal.



*Sarah Aksamit*  
Notary Public

My Commission Expires: 09-23-2017

**NO. 2017-735980 QUITCLAIM DEED**  
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK  
YONKEE & TONER P O BOX 6288  
SHERIDAN WY 82801

## Application for Federal Assistance SF-424

\* 1. Type of Submission:

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

\* 2. Type of Application:

- ☒ New  
☐ Continuation  
☐ Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

10/23/2020

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

BF

State Use Only:

6. Date Received by State:

7. State Application Identifier:

### 8. APPLICANT INFORMATION:

\* a. Legal Name: Sheridan County Conservation District

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

\* c. Organizational DUNS:

9659497250000

### d. Address:

\* Street1: 1949 Sugarland Drive

Street2: Suite 102

\* City: Sheridan

County/Parish: Sheridan

\* State: WY: Wyoming

Province:

\* Country: USA: UNITED STATES

\* Zip / Postal Code: 82801-5763

### e. Organizational Unit:

Department Name:

Division Name:

### f. Name and contact information of person to be contacted on matters involving this application:

Prefix: \* First Name: Carrie

Middle Name:

\* Last Name: Rogaczewski

Suffix:

Title: District Manager

Organizational Affiliation:

\* Telephone Number: 307-672-5820

Fax Number:

\* Email: carrie.rogaczewski@sccdwy.org

## Application for Federal Assistance SF-424

### \* 9. Type of Applicant 1: Select Applicant Type:

D: Special District Government

### Type of Applicant 2: Select Applicant Type:

### Type of Applicant 3: Select Applicant Type:

### \* Other (specify):

### \* 10. Name of Federal Agency:

Environmental Protection Agency

### 11. Catalog of Federal Domestic Assistance Number:

66.818

### CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

### \* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-20-05

### \* Title:

FY21 GUIDELINES FOR BROWNFIELD MULTIPURPOSE (MP) GRANTS

### 13. Competition Identification Number:

### Title:

### 14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

### \* 15. Descriptive Title of Applicant's Project:

Sheridan County Conservation District Multipurpose Grant for Assessment, Planning, and Cleanup of sites associated with the former Acme Power Plant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments



**Application for Federal Assistance SF-424****16. Congressional Districts Of:**\* a. Applicant \* b. Program/Project 

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**\* a. Start Date: \* b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="800,000.00"/>
* b. Applicant	<input type="text" value="40,000.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="840,000.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title: \* Telephone Number:  Fax Number: \* Email: \* Signature of Authorized Representative:  \* Date Signed: